



**DEPARTMENT OF ENVIRONMENTAL RESOURCES**

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494  
Phone: 209.525.6700 Fax: 209.525.6774

June 14, 2019

System No. 5000457

Miguel Toscano, Owner  
One Stop Water System  
PO Box 56357  
San Jose, CA 95156

**COMPLIANCE ORDER NO. DER-19R-011  
NITRATE MAXIMUM CONTAMINANT LEVEL VIOLATION**

Enclosed is Compliance Order No. DER-19R-011 (hereinafter "Order"), issued to the One Stop Water System (hereinafter "One Stop"), public water system. Please note there are legally enforceable deadlines associated with this Order.

One Stop will be billed at the Stanislaus County Department of Environmental Resources' (hereinafter "Environmental Health") weighted labor rate of \$116 per hour for the time spent on issuing this Order. California Health and Safety Code (hereinafter "CHSC") Section 116577 provides that a public water system must reimburse Environmental Health for actual costs incurred by Environmental Health for specified enforcement actions, including preparing, issuing, and monitoring compliance with an order. At this time, Environmental Health has spent approximately 3.0 hours on enforcement activities associated with this violation.

One Stop will receive a bill sent from Environmental Health containing fees for any enforcement time spent on One Stop for the current fiscal year.

Any person who is aggrieved by a citation, order, or decision issued under authority delegated to an officer or employee of Environmental Health under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Water Board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720 or me at (209) 525-6700.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Quinn', with a stylized flourish at the end.

Karl Quinn, REHS  
Environmental Health Manager

Enclosure (1)

Certified Mail No. 7018 0040 0000 4302 8654

cc: Bhupinder Sahota, Stockton District Engineer

1 **Compliance Order No. DER-19R-011**

2  
3 **STANISLAUS COUNTY**

4 **DEPARTMENT OF ENVIRONMENTAL RESOURCES**

5 **DIVISION OF ENVIRONMENTAL HEALTH**

6  
7 **Name of Public Water System:** One Stop Water System

8 **Water System No:** 5000457

9  
10 **Attention:** Miguel Toscano, Owner

11 PO Box 56357

12 San Jose, CA 95156

13  
14 **Issued:** June 14, 2019

15  
16 **COMPLIANCE ORDER FOR NONCOMPLIANCE**

17 **CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555 AND**

18 **CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64431**

19  
20 **NITRATE MAXIMUM CONTAMINANT LEVEL VIOLATION**

21 **2018**

22  
23 The California Health and Safety Code (hereinafter "CHSC"), Section 116655  
24 authorizes the Stanislaus County Department of Environmental Resources, Division of  
25 Environmental Health (hereinafter "Environmental Health"), acting by and through its  
26 primacy delegation from the State Water Resources Control Board (State Water Board),  
27 to issue a compliance order to a public water system when the Environmental Health  
28 determines that the public water system has violated or is violating the California Safe

Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

Environmental Health acting by and through its primacy delegation from the State Water Board, hereby issues Compliance Order No. DER-19R-011 (hereinafter "Order") pursuant to Section 116655 of the CHSC to the One Stop Water System (hereinafter "One Stop") for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64431 Maximum Contaminant Levels (hereinafter "MCL") – Inorganic Chemicals.

### STATEMENT OF FACTS

One Stop is classified as a transient non-community public water system with a population of 56, serving two connections. One Stop operates under Domestic Water Supply Permit No. 2014-08-017 issued by the Environmental Health on March 24, 2016. One Stop is using a groundwater source to supply potable water to the distribution system.

CHSC, Section 116555 requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants, specific treatment standards, and monitoring and reporting requirements as specified in regulations adopted by the State Water Board.

CCR, Title 22, Section 64431 Maximum Contaminant Levels – Inorganic Chemicals states that public water systems shall comply with the primary MCLs established in table 64431-A. The MCL for Nitrate (as Nitrogen) is 10 Milligrams per liter (hereinafter "mg/L").

Environmental Health received laboratory results for two nitrate samples collected on October 17, 2018, and October 23, 2018, from Well 01 (5000457-002). The average



nitrate concentration from the two samples was 11 mg/L. A summary of the One Stop's most recent nitrate monitoring results are presented in Table 1 below:

Table 1 – Well 01 Nitrate Sample Results

Sample Date	Result (mg/L)	Type of Sample
October 17, 2018	11.1	Initial
October 23, 2018	10.7	Confirmation

Notification to the public of the nitrate violation was performed by One Stop on October 26, 2018, in conformance with CCR, Title 22, Sections 64463.4 and 64465.

### DETERMINATION

Environmental Health has determined that One Stop has failed to comply with primary drinking water standards pursuant to CHSC, Section 116555 and the nitrate MCL pursuant to CCR, Title 22, Section 64431.

### DIRECTIVES

To ensure that the water supplied by One Stop is at all times safe, wholesome, healthful, and potable, One Stop is hereby directed to take the following actions:

1. By **June 14, 2022**, comply with CCR, Title 22, Section 64431.
2. Quarterly sampling for nitrate from Well 01 shall next be completed in **July of 2019**, and must continue quarterly thereafter. One Stop shall ensure that the laboratory, which conducts the analysis, submits the analytical results electronically by State Water Board's approved method and provides Environmental Health hard copies no later than the 10<sup>th</sup> day following the month in which the analysis was completed.
3. Monthly public notification to the customers of One Stop must begin by **June 30, 2019**, and continue monthly until Environmental Health determines that the nitrate contamination is resolved. Public Notification must be conducted in conformance with CCR, Title 22, Sections 64463.1 and 64465. Appendix 1: Notification

1 Template shall be used to fulfill this Directive, unless otherwise approved by  
2 Environmental Health.

- 3 • Public notification for new customers must be conducted in conformance with  
4 CCR, Title 22, Section 64463(e), where One Stop must give new customers a  
5 copy of the most recent public notice prior to or at any time service begins.

- 6 4. Complete Appendix 2: Certification of Completion of Notification Form. Submit it,  
7 together with a copy of the public notification required by Directive No. 3, to  
8 Environmental Health within 10 days following each public notification. The first  
9 certification of completion of public notification form is due by **July 10, 2019**.
- 10 5. Prepare a Corrective Action Plan for Environmental Health's approval, identifying  
11 improvements to the water system designed to correct the water quality problems  
12 identified as an exceedance of the nitrate MCL and ensure that One Stop delivers  
13 water to consumers that meets primary drinking water standards. The plan must  
14 include a time schedule for completion of each of the phases of the project, such  
15 as design, construction, and startup, and a date that shows when One Stop will  
16 be in compliance with the nitrate MCL. The date must be no later than **June 14,**  
17 **2022**.
- 18 6. By **September 10, 2019**, submit the Corrective Action Plan, required under  
19 Directive No. 5 above, to Environmental Health office located at 3800 Cornucopia  
20 Way, Suite C, Modesto, CA 95358.
- 21 7. Perform the Environmental Health approved Corrective Action Plan, and each and  
22 every element of said plan, according to the time schedule set forth therein.
- 23 8. By **January 10, 2020**, and every three months thereafter, submit a report to  
24 Environmental Health in the form provided as Appendix 3 showing actions taken  
25 during the previous quarter (October, November, December) to comply with the  
26 Corrective Action Plan.
- 27 9. By **June 24, 2022**, demonstrate to Environmental Health that the water delivered  
28 by One Stop complies with the Nitrate MCL.

10. Notify Environmental Health in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if One Stop anticipates it will not timely meet such performance deadline.

11. By **July 10, 2019**, complete and return to Environmental Health the "Notification of Receipt" form attached to this Order as Appendix 4. Completion of this form confirms that One Stop has received this Order and understands that it contains legally enforceable directives with due dates.

All submittals required by this Order, unless otherwise specified in the directives above, must be electronically submitted to Environmental Health at the following address. The subject line for all electronic submittals corresponding to this Order must include the following information: Water System name and number, compliance order number and title of the document being submitted.

Rachel Riess, R.E.H.S.  
Department of Environmental Resources  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358  
[LPAStanislaus@envres.org](mailto:LPAStanislaus@envres.org)

Environmental Health reserves the right to make modifications to this Order that it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance.

Nothing in this Order relieves One Stop of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

#### **PARTIES BOUND**

This Order shall apply to and be binding upon One Stop, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.



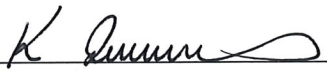
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
  
18  
19  
20  
21  
22  
23  
  
24  
25  
26  
27  
28  
  
29

**SEVERABILITY**

The directives of this Order are severable, and One Stop shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes Environmental Health, pursuant to authority delegated by the State Water Board, to issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. Pursuant to its delegated authority, the California SDWA also authorizes Environmental Health to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of Environmental Health, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of Environmental Health. Environmental Health does not waive any further enforcement action by issuance of this Order.

	<u>6/14/2019</u>
Karl Quinn, R.E.H.S.	Date
Environmental Health Manager	
Division of Environmental Health	
Department of Environmental Resources	
Stanislaus County	

- Appendices (4):
- 1. Notification Template
  - 2. Certification of Completion of Public Notification
  - 3. Quarterly Progress Report
  - 4. Notification of Receipt Form

Certified Mail No. 7018 0040 0000 4302 8654



## APPENDIX 1. NOTIFICATION TEMPLATE

### IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

#### DRINKING WATER WARNING

One Stop water has high levels of nitrate

DO NOT GIVE THE WATER TO  
INFANTS UNDER 6 MONTHS OLD OR PREGNANT WOMEN  
OR USE IT TO MAKE INFANT FORMULA

Water sample results received [date] showed nitrate levels of [level and units]. This is above the nitrate standard, or maximum contaminant level (MCL), of 10 milligrams per liter. Nitrate in drinking water is a serious health concern for infants less than six months old.

#### What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

## What happened? What is being done?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers). Levels of nitrate in drinking water can vary throughout the year. We will let you know if the amount of nitrate is again below the limit.

[Describe corrective action, seasonal fluctuations, and when system expects to return to compliance.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

## Secondary Notification Requirements

*Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:*

- *SCHOOLS: Must notify school employees, students, and parents (if the students are minors).*
- *RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.*
- *BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.*

This notice is being sent to you by One Stop .

State Water System ID#: 5000457. Date distributed: \_\_\_\_\_.



## INFORMACIÓN IMPORTANTE SOBRE SU AGUA POTABLE

Este aviso contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

### ADVERTENCIA SOBRE EL AGUA POTABLE

El agua de One Stop tiene altos niveles de nitratos

**NO DE ÉSTA AGUA A BEBÉS MENORES DE 6 MESES O A MUJERES EMBARAZADAS. TAMPOCO USE ÉSTA AGUA PARA PREPARAR FORMULA INFANTIL**

Los resultados de las pruebas del agua recibidas el [date] mostraron niveles de nitrato de [level and units]. Estos niveles exceden el estándar o nivel máximo de contaminante (MCL) de 10 miligramos por litro. Los nitratos en el agua potable son una preocupación seria en bebés menores de seis meses.

#### ¿Qué debe hacer?

- **NO DE ÉSTA AGUA A BEBÉS MENORES DE 6 MESES.** *Los bebés menores de 6 meses que toman agua con nitrato en exceso del nivel máximo de contaminante (MCL), se pueden enfermar seriamente y rápidamente. Y si los bebés no reciben atención médica, pueden morir debido a que los altos niveles de nitratos pueden interferir con la capacidad de la sangre de los bebés para transportar oxígeno. Los síntomas incluyen falta de aire y coloración azulada de la piel. Los síntomas en los bebés se pueden desarrollar rápidamente y la salud se deteriora en cuestión de días. Si hay síntomas de intoxicación por altos niveles de nitratos, busque atención médica de inmediato.*
- **LAS MUJERES EMBARAZADAS NO DEBEN CONSUMIR AGUA CON ALTOS NIVELES DE NITRATOS.** *Los altos niveles de nitrato también pueden afectar la capacidad de la sangre de mujeres embarazadas para transportar oxígeno.*
- No use agua de la llave para preparar jugo, agua, y formula para bebés menores de 6 meses. Use agua embotellada u otra agua baja en nitratos para los bebés menores de 6 meses hasta nuevo aviso.
- **NO HIERVA EL AGUA.** Hervir, congelar, filtrar, o dejar reposar el agua, no reduce el nivel de nitratos. Hervir el agua en exceso puede causar que los nitratos se concentren más, porque los nitratos se quedan cuando el agua se evapora.
- Si tiene otros problemas de salud por el consumo de ésta agua, usted debería consultar con su doctor.



## ¿Qué sucedió? ¿Qué se está haciendo al respecto?

El nitrato en el agua potable puede originar de fuentes naturales, industriales, o agrícolas (incluyendo sistemas sépticos, escorrentía de agua de lluvia, y fertilizantes). Los niveles de nitrato en el agua potable pueden variar a través del año. Le informaremos si el nivel de nitratos vuelve a estar debajo del límite.

[Describe corrective action, seasonal fluctuations, and when system expects to return to compliance.]

Para más información, por favor contacte a [name of contact] al [phone number] o [mailing address]

Por favor comparta esta información con todas las demás personas que tomen de esta agua, especialmente aquellos que no hayan recibido éste aviso directamente (por ejemplo, las personas en apartamentos, asilos, escuelas, y negocios). Puede hacerlo poniendo este aviso en un lugar público o distribuyendo copias en persona o por correo.

### **Requisitos de Notificación Secundaria**

*Al recibir la notificación de alguien que opere un sistema de agua público, se debe dar la siguiente notificación dentro de 10 días conforme a la Sección 116450(g) del Código de Salud y Seguridad:*

- *ESCUELAS: Deben notificar a los empleados de la escuela, estudiantes, y a los padres (si los estudiantes son menores).*
- *DUEÑOS O GERENTES DE PROPIEDAD PARA ALQUILER RESIDENCIAL (incluyendo asilos e instituciones de cuidado): Deben notificar a sus inquilinos.*
- *DUEÑOS DE PROPIEDAD DE NEGOCIOS, GERENTES, U OPERADORES: Deben notificar a los empleados de los negocios situados en la propiedad.*

Este aviso es enviado por One Stop.

Núm. de Identificación del Sistema Estatal de Agua: 5000457.

Fecha de distribución: \_\_\_\_\_.

**APPENDIX 2**  
**CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION**

**Compliance Order Number:** DER-19R-011

**Name of Water System:** One Stop

**System Number:** 5000457

**Attach a copy of the public notice distributed to the water system's customers.**

This form, when completed and sent to LPAStanislaus@envres.org for the 3800 Cornucopia Way, Suite C, Modesto CA 95358, serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public notification for failure to comply with the **Nitrate MCL** was conducted on:

Notification was made on \_\_\_\_\_ (date).

For the month, year of \_\_\_\_\_, \_\_\_\_\_.

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

For Community and non-transient non-community public water systems

☐ The notice was distributed by mail or direct delivery to each customer on: \_\_\_\_\_

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery or persons served by a transient public water system (renters, nursing home patients, prison inmates, etc.):

☐ Posted the notice at the following conspicuous locations served by the water system. (If needed, please attach a list of locations). \_\_\_\_\_

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www. \_\_\_\_\_

☐ Other method used to notify customers. \_\_\_\_\_

I hereby certify that the above information is factual.

Certified by: Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Disclosure:** Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

**APPENDIX 3: QUARTERLY PROGRESS REPORT**

Water System: One Stop	Water System No: 5000457
Compliance Order No: DER-19R-011	Violation: <b>Nitrate MCL</b>
Calendar Quarter:	Date:

This form should be prepared and signed by One Stop personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to Environmental Health to the following email address: [LPAStanislaus@envres.org](mailto:LPAStanislaus@envres.org) titled appropriately.

**Summary of Compliance Plan:**

--

**Tasks completed in the reporting quarter:**

--

**Tasks remaining to complete:**

--

**Anticipated compliance date:**

------

---

**Printed Name****Signature**

---

**Title****Date**



#### APPENDIX 4– NOTIFICATION OF RECEIPT

**Compliance Order Number:** DER-19R-011

**Name of Water System:** One Stop

**System Number:** 5000457

#### **Certification**

I certify that I am an authorized representative of the One Stop Water System and that Compliance Order No. DER-19R-011 was received on \_\_\_\_\_. Further, I certify that the Order has been reviewed by the appropriate management staff of the One Stop Water System and it is clearly understood that Compliance Order No. DER-19R-011 contains legally enforceable directives with specific due dates.

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

<p><b>THIS FORM MUST BE COMPLETED AND RETURNED TO THE STANISLAUS COUNTY, ENVIRONMENTAL HEALTH, NO LATER THAN JULY 10, 2019</b></p>
--

**Disclosure:** Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.